

MEMO ENDORSED



USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: OCT 22 2012

MICHAEL A. CARDOZO
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007

MELISSA WACHS
Assistant Corporation Counsel
Phone: (212) 442-6686
Fax: (212) 788-0902
mwachs@law.nyc.gov

October 18, 2012

VIA EMAIL

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
500 Pearl Street,
New York, NY 10007

Re: Jamal Johnson and Tarik Johnson. v. City of New York, et. al.,
12 Civ. 0873 (RA)

Your Honor:

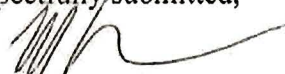
I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York, Police Officer Roberto Veloz and Police Officer Luiz Martinez in the above-referenced matter. Defendants respectfully request that the initial conference, scheduled for November 2, 2012 at 9:45 a.m. be adjourned to a date and time convenient to the Court after the parties attend a mediation session and that the time to submit the Joint Status Letter, due on October 26, 2012, be similarly extended. Plaintiffs' attorney, Brett Klein, Esq., consents to this request. A previous request for an adjournment had been made, necessitated by the undersigned's previously scheduled vacation, and was granted by Judge Sullivan on June 8, 2012.

As the Court may be aware, this matter has been designated as part of the Southern District's Plan for Certain § 1983 Cases Against the City of New York ("§ 1983 Plan"). Defendants filed their answer to the complaint on April 30, 2012 and the parties have exchanged discovery pursuant to the Plan. Under the § 1983 Plan, a mediation session should have been held by July 30, 2012. (See § 1983 Plan at ¶ 8), however, a mediation session has not yet been scheduled. The Mediation Office has been contacted by the undersigned concerning this oversight, and it was determined that this case had not been sent to the Mediation Department. It

has now been added to their list.¹ As such, defendants respectfully submit that a conference may be more helpful subsequent to a mediation session, if the matter does not resolve. Moreover, if the matter is resolved at the mediation session, then obviously no initial conference will be necessary.

Thank you for your consideration of this matter.

Respectfully submitted,



Melissa Wachs
Assistant Corporation Counsel

cc:

VIA EMAIL

Brett H. Klein, Esq.
Leventhal & Klein, LLP
45 Main Street, Suite 230
Brooklyn, New York 11201

10/22/12

*Application granted.
The November 2, 2012 conference is adjourned.
The parties shall submit a joint letter to the Court once a
mediation session has been scheduled.*

SO ORDERED:



HON. RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE

¹ The undersigned will, should the Court wish, file a letter once a mediation date is set so that the Initial Conference date may be scheduled for after that time.